

### **REMARKS**

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

No claims are currently being amended.

Claims 1-18 and 20-33 remain pending in this application.

#### **Drawings**

The drawings were objected to under 37 CFR 1.83(a). Specifically, the Office Action stated that all of the limitations of claims 2-16, 18, and 20-33 must be shown or the feature(s) cancelled from the claims(s). Applicants submit that the drawing are in compliance with 37 CFR 1.83(a), and that the claims are fully supported by the disclosure of the application. If the Examiner maintains this rejection, the Examiner is respectfully requested to specifically point out specific claim limitations that are not disclosed.

#### **Claim objections**

Claims 31 and 33 were objected to as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicants respectfully traverse this objection. Claims 30 and 32, from which claims 31 and 33 respectively depend, recite “wherein the information about usage of the memory card comprises at least one of a measurement of how full the memory card is and the number of times data was corrected by the memory card.” Claims 30 and 32, through the use of the language “at least one”, require that the information usage of the memory card comprises: (1) a measurement of how full the memory card is, or (2) the number of times data was corrected by the memory card, or both (1) and (2). Thus claims 30 and 32 do not necessarily require that the information usage of the memory card comprise (1) a measurement of how full the memory card is. Claims 31 and 33 do require that the information usage of the memory card comprise (1) a measurement of how full the memory card is, and thus further limit claims 30 and 32, respectively.

#### **Rejections under 35 U.S.C. §§ 102 and 103**

Claims 1-17 and 19-22 stand rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application Publication #2002/0107832 A1 to Shimizu et al. (hereafter “Shimizu”). Claims 23-26 stand rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,478,679 to Himoto et al. (hereafter “Himoto”). Claim 18 stands rejected under

35 U.S.C. 103(a) as being unpatentable over Shimuzu and U.S. Patent No. 5,532,689 to Bueno (hereafter “Bueno”). Claim 27 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Shimuzu and U.S. Patent No. 6,587,140 to No (hereafter “No”).

Applicants note that claim 19 has been cancelled in a prior Amendment, and thus the rejection with respect to claim 19 is moot. With respect to the remaining claims, applicants traverse these rejections for at least the following reasons.

#### **Claims 1-18 and 20-22**

Independent claim 1 recites collecting information about usage of a memory card, and recording the information about usage of the memory card in an area of the memory card. Neither Shimizu, nor the remaining references cited in the rejection, suggest collecting information about usage of a memory card, and recording the information about usage in an area of the memory card.

As noted in the Amendment filed January 12, 2004, Shimizu at best discloses storing a record of information concerning the use of rented DVDs, or the number of times a website has been accessed. This information is simply not about the usage of a memory card.

Bueno fails to cure the deficiencies of Shimizu. Bueno was cited for allegedly disclosing counting the number of times a memory card is inserted into an electronic device. Bueno, however, also fails to disclose or suggest collecting information about usage of a memory card, and recording the information about usage in an area of the memory card.

The interpretation of the limitation of “information about usage of the memory card” to include a record of information concerning the use of rented DVDs, or the number of times a website has been accessed as disclosed in Shimizu is not a reasonable interpretation of that limitation. This interpretation is neither consistent with the plain language of claim 1, the specification or the file history of the present application.

In Shimizu, information concerning the use of rented DVDs is just that, information about the use of DVDs. This information is not about the usage of a memory card, even if that information about the use of DVDs happens to be stored on a memory card. The mere fact that general information is stored on a memory card does not make it information about the use of the memory card. This interpretation in the Office Action would essentially require

that any information that is stored on a memory card be information about the use of the memory card merely because a memory card must act to store the information.

The specification specifically distinguishes between information about the usage of a memory card, and other information that is merely stored on the memory card. For example, page 8, paragraph 32 of the specification discloses associating customerID or resellerID information fields with usage information. Thus usage information is distinguished from customerID or resellerID information in the specification even though both types of information may be stored on a memory card.

Further, during prosecution of the present application, applicants have repeatedly distinguished general information, such as a record of information concerning the use of DVDs or the number of times a website has been accessed as disclosed in Shimizu, from information about the usage of a memory card. Thus, the file history of the present application also makes clear that the phrase “information about the usage of a memory card” does not include general information merely because that information happens to be stored on a memory card.

In sum, the plain meaning of “information about the usage of a memory card”, the specification, and the file history all make clear that general information is not information about the usage of a memory card merely because that information happens to be stored on a memory card. Thus, the interpretation of the limitation of “information about usage of the memory card” to include a record of information concerning the use of rented DVDs, or the number of times a website has been accessed as disclosed in Shimizu is not a reasonable interpretation of that limitation.

Independent claim 14 is directed to a data structure in a memory card. The data structure comprises computer readable storage containing at least one event descriptor about the usage of the memory card, and for each event descriptor a count representing the number of occurrences of that event. Shimizu and Bueno both fail to disclose a computer readable storage containing at least one event descriptor about the usage of the memory card. Thus, claim 14 is likewise patentable over Shimizu and Bueno.

Independent claim 16 is directed to a system for storing memory card usage information on a memory card, comprising a component for collecting information about

usage of the memory card, and a component for recording the information about usage of the memory card in an area of the memory card. As discussed above with respect to claim 1, Shimizu and Bueno fail to disclose or suggest collecting information about the usage of a memory card, and storing that information in an area of the memory card. Thus, claim 16 is patentable over Shimizu and Bueno for at least the same reasons as claim 1.

Independent claim 17 is directed to a method. The method comprises collecting information about usage of a portable memory card in an electronic device, and recording the information about usage of the memory card on the memory card itself. Shimizu and Bueno fail to disclose collecting information about usage of a portable memory card in an electronic device, and recording the information about the usage on the memory card itself. Thus, claim 17 is likewise patentable over Shimizu and Bueno.

Dependent claims 2-13, 15, 18 and 20-22 depend from one of independent claims 1, 14 and 17, and are allowable for at least the same reasons, as well as for further patentable features recited therein.

#### **Claims 23-27**

Claim 23 requires monitoring usage of the memory card, and storing the usage of the memory card on the memory card. As noted in the Amendment filed on January 12, 2004, the information displayed on the LCD 14 of Himoto (such as the game number and game scores), whether stored in the memory card 10 or not, cannot reasonably be interpreted as usage of the memory card. Thus, Himoto fails to disclose or suggest features recited in claim 23, and claim 23 is patentable thereover for at least this reason.

No fails to cure the deficiencies of Himoto. No was cited for allegedly disclosing a memory card for use in a digital camera. No, however, also fails to disclose or suggest monitoring usage of the memory card, and storing the usage of the memory card on the memory card.

Dependent claims 24-27 depend from claim 23, and are allowable for at least the same reasons, as well as for patentable features recited therein.

#### **Claims 28 and 29**

Independent claims 28 and 29 recite, respectively, “recording the information about usage of the memory card in an area of the memory card” and “a component for recording the information about usage of the memory card in an area of the memory card.” For the reasons discussed above, neither Shimizu, Bueno, Himoto nor No suggest recording information about usage of the memory card in an area of the memory card.

### **Claims 30-33**

Independent claims 30 and 32 recite, respectively, “recording the information about usage of the memory card in an area of the memory card” and “a component for recording the information about usage of the memory card in an area of the memory card” in a similar fashion to claims 28 and 29, and are patentable for at least the reasons discussed above with respect to those claims. Moreover, claims 30 and 32 require that the information about usage of the memory card comprises at least one of a measurement of how full the memory card is and the number of times data was corrected by the memory card. This feature is also not disclosed by Shimizu, Bueno, Himoto, or No. The Office Action alleges that Figures 5A-5E, 6A-6C and col. 10, lines 64-67 of Himoto disclose this feature. Applicants respectfully disagree. Figures 5A-5E and 6A-6C illustrate the address region in which a program is stored. Himoto, however, does not disclose that a measurement of the how full the memory is is recorded in a memory card. Applicants submit that merely because a program is stored in memory between certain addresses of a memory card, that stored program is not a measurement of how full the memory card is.

Claim 31 and 33 depend from claims 30 and 32, respectively, and are patentable for at least the same reasons as well as for further patentable features recite therein.

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a

check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date May 10, 2004

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